

REMARKS

STATUS OF THE APPLICATION

The Applicants wish to thank the Examiner for his clear explanation of the rejections in the non-Final Office Action dated March 11, 2005.

Claims 1-6 are pending in this application. Claim 4 has been rejected under 35 U.S.C. § 102(b). Claims 1-6 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 of U.S. Patent No. 6,858,113.

RESPONSE TO REJECTION UNDER 35 U.S.C. § 102(B)

Claim 4 is rejected under 35 U.S.C. § 102 (b) as being anticipated by Japanese Patent JP-4-130190 to Kaoru (hereinafter "Kaoru").

The Examiner states that Kaoru discloses a method of cleaning a surface of a papermaking rotating dryer drum wherein a release agent, an emulsified solution, is applied to the surface of the drum by direct spraying onto the surface. The oil penetrates the asperities on the surface of the drum and forms a film on the surface of the drum. The oil is then absorbed by the cellulose fibers of a paper strip, which rides on the drum. Further as stated by the Examiner, Example 3 discloses continuous spraying at a rate of 2.0 L/min onto a surface of a Yankee drum dryer, without staining the paper strip by the release agent.

In response to the Examiner's assertion, Claim 4 has been amended to incorporate a limitation on the spray rate of the surface treatment agent from the spray nozzle. The spray rate, by way of this amendment, is limited to a range in between 0.3 to 500 mg/m² per min. Basis for the amendment is found on Page 4, Lines 15-16 of the Application and Claim 1.

RESPONSE TO PROVISIONAL REJECTION UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1-6 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 of U.S. Patent No. 6,858,113 (hereinafter "'113 patent").

The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because both the present application and the '113 patent disclose a method for preventing contamination of a surface of a dryer drum used in a papermaking machine that includes the treatment of the rotating drum surface while facing a paper strip, with a surfactant containing oil at the rate of spray application that is within the range claimed.

A Terminal Disclaimer is being filed herewith. Applicants believe that the provisional rejection has been overcome through the filing of the Terminal Disclaimer to the '113 patent.

CONCLUSION

In view of the present amendment and the above remarks, Applicants respectfully submit that stated grounds of rejection have been properly traversed, accommodated, or rendered moot and that a complete response has been made to the Office Action mailed March 11, 2005.

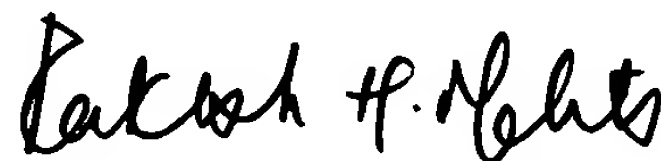
Specifically, Claim 4 is allowable over Kaoru as the rejection based on 35 U.S.C. § 102(b) has been overcome by the amendment, and allowable over the '113 patent as the rejection based on judicially created doctrine of obviousness-type double patenting has been overcome by the Terminal Disclaimer. Further, Claims 1-3, 5 and 6 are also allowable over the '113 patent as the rejection based on judicially created doctrine of obviousness-type double patenting has been overcome by the Terminal Disclaimer.

Therefore, Applicants believe that the application stands in condition for allowance with withdrawal of all grounds of rejection. A Notice of Allowance is respectfully solicited. If the Examiner has questions regarding the application or the contents of this response, the Examiner is invited to contact the undersigned at the number provided.

There are no fees due in accordance with this response. However, should a fee be due that is unaccounted for, please charge such fee to Deposit Account No. 501447. Furthermore, if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 501447.

Respectfully Submitted,

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